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May 12, 2006

Robert K. Morrison, P.E.  
Chief, Permits Section  
Missouri Department of Natural Resources  
P.O. Box 176  
Jefferson City, MO 65102-0176



Dear Mr. Morrison:

This letter is being written in response to the your letter dated May 12, 2006 and is regarding the need for more time to submit a work plan to address the sampling under the building requested as Additional Work under the Order in the April 7, 2006 letter.

By June 15, 2006, Modine intends to submit a work plan to address the concerns regarding the sampling under the building discussed in the April 7, 2006 letter. The additional time is necessary to investigate alternative technologies for soil sampling under the building, determine the costs associated with any identified soil sampling, determine the logistics in setting up any sampling, the contractors and equipment and determining schedules for completing the work.

With regard to the sewer line investigation, the April 7, 2006 letter states that Additional Work is required because the domestic sewage exemption does not apply to materials that leak from a sewer. However, because the sewer line is not part of the facility, it is not subject to the MDNR's jurisdiction under the order regardless of whether the domestic sewage exemption applies. Modine acknowledges that, if the sewer line was completely installed, owned, operated and maintained by the Camdenton facility, that it could be considered part of the contiguous facility and subject to the order. In fact, Modine has investigated the line that is owned by Modine and is on the facility property and has found no contamination along the line (see Section 3.2.4, page 12 of the *Comprehensive Historical Summary Document*). This line was and is still the discharge line for industrial wastewater to the City sewer system.

However, the additional sewer investigation work required by the April 7, 2006 letter is outside Modine's property boundary and the Camdenton facility has never installed, owned, operated and/or maintained the City owned sewer lines that facility industrial wastewater discharges to. The City sewer line contained domestic sewage and other industrial wastewaters that commingled with the facility wastewater before being discharged to the Hulett lagoon. The City sewer line was never a dedicated line from the facility to the lagoon. The line was and is maintained and operated

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exclusively by the City. Thus, since the line was never under the control of the facility and can't be considered a contiguous part of the facility, it does not meet the criteria to be considered as subject to MDNR jurisdiction under the order (see Question 3 in the March 10 EPA memo attached to the April 7, 2006 letter). This conclusion is supported by the fact that the City sewer line was never designated a Solid Waste Management Unit (SWMU) or an Area of Concern (AOC) in the Order or in the Jacobs Engineering report, *Final Environmental Priorities Initiative/Preliminary Assessment Modine Heat Transfer, Inc. (Formerly Sundstrand Tubular Products) Box 636 Sunset Drive Camdenton, Camden County, Missouri EPA ID No. MOD062439351.*

If you have any questions on this matter, please contact me at (262) 636-1649 or at the letterhead address.

Sincerely,



Thomas S. Sanicola  
Principal Environmental Engineer

Cc: Modine Manufacturing Company - Camdenton  
D. Garrett - EPA Region VII  
S. Poplawski - Bryan Cave, LLP  
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File(2)

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